

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

STEVE B. SMITH, DAVID KUCERA,)	
And VICKIE F. FORGETY,)	
)	
Plaintiffs/Appellants,)	
)	No. 3:03-cv-593
v.)	(Phillips)
)	
JEFFERSON COUNTY SCHOOL,)	
BOARD OF COMISSIONERS, et al.,)	
)	
Defendants/Appellees.)	

ORDER

Before the Court are two motions relating to the above-captioned case. There is a Joint Motion to Continue and a Joint Motion requesting the Issuance of a New Scheduling Order [Doc. 99]. Parties request a continuance due to difficulties caused by scheduling errors and compliance with discovery requests. The parties further contend that a new scheduling order is reasonable and necessary given that the facts and witnesses have changed.

I. Motion for a Continuance

The Joint Motion states that the parties are faced “with more work than was reasonably anticipated.” [Doc. 99 ¶ 7]. The original complaint was first filed in 2003 [Doc. 1] and the Court of Appeals remanded this matter back to this Court in 2008. [Doc.83]. The Court finds that the parties have had ample time to prepare for this bench trial. At this stage, it is the opinion of the Court that the matter is best resolved by moving forward to trial. The Court further finds that,

under the circumstances, further requests for a continuance or postponement are no longer reasonable or necessary. The Joint Motion for a Continuance is **DENIED**.

II. Motion for a New Scheduling Order

A Scheduling Order was last issued in this case on August 13, 2004. [Doc. 8]. On February 17, 2012, a Status Conference was held setting the trial date to October 10, 2012 at 9:00 a.m. [Doc. 91]. The Defendants did not appear at that hearing. *Id.* On April 30, the Court extended Defendant's time to respond to Plaintiff's discovery requests allowing Defendant up to, and including, May 16, 2012 to respond the Plaintiff's requests. [Doc. 94].

At this time, the Court sees no justification supporting the issuance of a new Scheduling Order. The Court finds that the parties have had adequate time to prepare for this bench trial and a new Scheduling Order would be superfluous. Accordingly, the Joint Motion for an Issuance of a New Scheduling Order [Doc. 99] is **DENIED**.

The previous Scheduling Order [Doc. 8] stands. All deadlines have already been adjusted to reflect the numerous continuances.

Accordingly, the Joint Motion to Continue [Doc. 99] will be **DENIED** and the Joint Motion for an Issuance of a New Scheduling Order [Doc. 99] will also be **DENIED**. This trial shall commence as scheduled on OCTOBER 10, 2012.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge